

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JENNIFER JONES,

Plaintiff,

Civil No. 08-1407-HA

v.

ORDER

COMMISSIONER of Social Security,

Defendant.

HAGGERTY, District Judge:

Plaintiff was the prevailing party in this action and her counsel seeks an award of attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$10,213.83. Defendant Commissioner has leveled objections against the number of hours plaintiff's counsel has claimed (59.30), arguing that this case was routine and should have been completed in no more than forty hours.

This court has reviewed the Commissioner's objections, including complaints that plaintiff's counsel billed almost two hours for "clerical matters," Objections at 4, and a request that counsel's claim of thirty-three hours for researching and preparing his client's Opening Brief should be reduced to twenty hours, Objections at 3.

This court has examined the record and the work undertaken by counsel. The Commissioner's objections are without merit. Specifically, this court rejects the Commissioner's

assertion that the issues in this litigation were not sufficiently novel or complex to warrant the hours plaintiff's counsel expended. The Commissioner's request that forty hours be deemed reasonable in this case is rejected. Objections regarding the billing format presented by plaintiff's counsel are noted and are overruled as lacking merit. Counsel's format permitted the court to ascertain the reasonableness of the fee request.

CONCLUSION

This court concludes that counsel for plaintiff's Application for Fees [19] is granted as follows: it is ordered that attorney Ralph Wilborn be paid \$10,213.83 upon verification that plaintiff has no debt to the government which qualifies for offset against the awarded fees, pursuant to the reasoning addressed in *Astrue v. Ratliff*, ___ U.S. ___, 130 S. Ct. 2521, 2527 (2010) (EAJA awards fees to the litigant, subjecting the fee calculation "to a federal administrative offset if the litigant has outstanding federal debts.").

If plaintiff has such debt, then payment for any remaining funds after offset of the debt shall be made to plaintiff's attorney. Moreover, plaintiff's counsel is granted leave to file a second EAJA fee request that reflects reasonable time spent litigating the Commissioner's objections.

IT IS SO ORDERED.

DATED this 13 day of October, 2010.

/s/ ANCER L. HAGGERTY

ANCER L. HAGGERTY
United States District Judge